



State of Wisconsin
Department of Public Instruction
Elizabeth Burmaster, State Superintendent

*****NEWS RELEASE*****

FOR IMMEDIATE RELEASE

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DRW and DPI agree to special education lawsuit settlement

MPS has not reached agreement

MADISON—Disability Rights Wisconsin (DRW) and the Wisconsin Department of Public Instruction (DPI) have reached a settlement agreement in the special education class action lawsuit, Jamie S., et al., v. Milwaukee Public Schools (MPS), et al., filed in 2001 against state defendants and Milwaukee Public Schools. MPS declined to join the settlement. DRW and DPI filed a joint motion with the federal district court in Milwaukee today seeking approval of the settlement.

“While the court must still approve the settlement agreement, we believe that it is educationally appropriate and will help us move forward to improve education for all students in Milwaukee Public Schools,” said State Superintendent Elizabeth Burmaster. “We must follow special education laws, and we look forward to working together to ensure that MPS has a system in place that identifies and appropriately addresses student academic or behavioral problems early.”

“After over seven years of litigation and millions of dollars spent by MPS on attorneys, we are thrilled to finally move forward with a remedy that will require every single MPS school to have an effective early intervention system,” stated DRW Managing Attorney Jeffrey Spitzer-Resnick. “Not only will the children of Milwaukee be evaluated for their special education needs when appropriate, but all children with serious academic and/or behavioral problems will actually receive needed services instead of being left out or left behind. Our door is always open for further discussions with MPS to improve education for all students in Milwaukee.”

The settlement includes:

- Appointment of an independent outside expert funded by DPI to monitor MPS’s state and federal special education law obligations and the establishment of measurable standards for MPS’s future performance.
- A review of policy and procedures in MPS by the independent expert, who also will conduct a needs assessment regarding Child Find. The expert will oversee the

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creation of a compliance plan to achieve agreed upon performance standards in MPS and have the authority to see that those standards are met.

- The creation of a parent trainer position housed at F.A.C.E.T.S. to provide training and support to MPS parents and others. This position will be funded by DPI at an annual cost not to exceed \$75,000 and a total cost not to exceed \$300,000.

“By settling this long standing lawsuit, we can continue moving forward in building successful learning experiences for all students in MPS,” said Burmaster. “We are allocating additional resources to carry out this settlement, and, as always, we expect MPS to efficiently manage its resources in serving all of its students. Also, by settling this case, we are getting back to serving the needs of all MPS students in the classroom, instead of continuing to debate the issues in the court room.”

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NOTES: Background on the lawsuit and settlement and a link to the final settlement are available on the Department of Public Instruction news release website <http://dpi.wi.gov/eis/prmenu.html>. This news release is available electronically at http://dpi.wi.gov/eis/pdf/dpi2008_64.pdf.